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Jurisdictional Responsibilities for Land Resources, Land Use and
Development in the Yukon Territory and Northwest Territories

Yukon Inuvialuit Settlement Region Lands

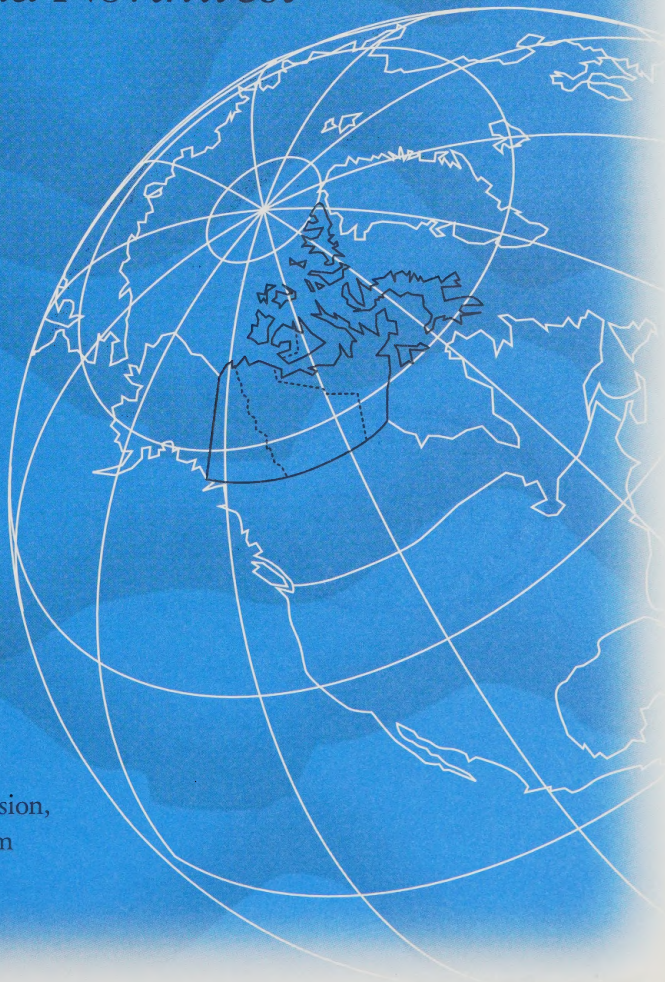


Canada

Jurisdictional Responsibilities
Book Three

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*Jurisdictional Responsibilities
for Land Resources, Land Use
and Development in the Yukon
Territory and Northwest
Territories*



Land Management Division,
Northern Affairs Program

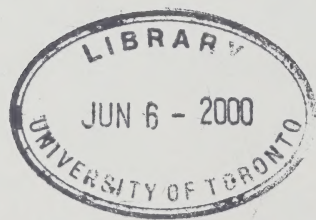
November 13, 1997

The Federal Government through the Minister of Indian Affairs and Northern Development is responsible for administering territorial lands and its resources in the Yukon Territory and the Northwest Territories through various Acts, including the *Territorial Lands Act*, and Regulations, *Yukon Waters Act*, *Canada Petroleum Resources Act*, *Yukon Placer Mining Act*, *Yukon Quartz Mining Act*, etc. Through the Land Claim process, jurisdictional responsibility over certain lands, resources and land uses has been transferred to various First Nations and to Aboriginal groups across the North.

In order to provide a clearer understanding of the jurisdictional framework that is evolving in the Yukon Territory and Northwest Territories, this set of guidelines has been prepared by the Land Management Division concerning "Jurisdictional Responsibilities for Land, Resources, Land Use and Development in the Yukon and Northwest Territories". These guidelines consist of eight (8) chapters, each chapter describes the jurisdictional regime of a particular geographic region and provides the answers as to which governing bodies should be consulted when making application for specific surface and sub-surface leases, permits, licences, or claims, etc.

Michael Fish, Head of Land Transactions, directed and coordinated the compilation of the guidelines which were written by Bill Biggs and edited by Allan Macartney. Bill Biggs is a lawyer having worked as a Director, Treasury Board Secretariat, implementing federal government policies, legislation and reform in the area of real property management. Allen Macartney is a professional writer and editor having over eighteen years of research and writing experience.

Ian Sneddon
Chief, Land Management Division
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DIAND



This document recognizes the former managers of land resources in both territories and Ottawa, and their staffs, who contributed so much towards the solid framework for land resource management that exists in the North. Their names follow:

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IMPORTANT NOTE TO USERS

This document has been prepared for convenient reference only. It has no official sanction. For all purposes of interpreting and applying the law, and the land claims agreements, consult the Acts passed by Parliament and the land claim agreements themselves.

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Dramatic changes have occurred over the past fifteen years in the jurisdictional framework for land resources, land use and development in the Yukon Territory and the Northwest Territories. These changes are primarily a result of:

- federal legislation revisions;
- the impending creation of Nunavut;
- the finalization of Aboriginal land claim agreements; and
- the devolution of responsibilities from the federal to the territorial governments.

Jurisdictions will further change as these initiatives continue.

Jurisdictional responsibilities are described in this document as of August 31, 1996 for land resources, land use and development within the territories concerning:

- federal lands; and
- lands confirmed for Aboriginal groups under land claim agreement settlement legislation.

These responsibilities differ in some respects between the territories. Within each territory the responsibilities vary based on the particular land claim agreements involved. These variations are considered through the chapters of this document.

In each chapter, the jurisdictional regime for a particular geographic region are described, based on territory, then on the land claim agreements. For convenience, this document combines similar land claim agreements in the chapters relating to the Yukon First Nations and the Northwest Territories First Nations. Differences between the individual land claim agreements are noted where appropriate.

Each chapter dealing with land claim settlement areas, begins with a section on the settlement agreement. This section also describes the roles of administrative bodies (such as surface rights boards) established through the settlement agreements.

The second section of each chapter provides an overview of the region's general jurisdictional categories based on federal and Aboriginal land ownership. For example, there are three categories of land in the Yukon First Nation settlement areas in the Yukon Territory:

1. Settlement Lands to which the First Nations received title under their Land Claim Settlement Agreements;
2. Reserves under the *Indian Act*; and
3. Federal lands.

The remainder of each chapter analyses each region's land ownership categories. For the categories relating to settlement lands and federal lands, the jurisdictional regime is discussed under the following headings:

- Land Ownership;
- Land Use;
- General Access Rights;
- Non-Renewable Resources;
- Forestry and Plants;
- Water Use and Waste Deposit;
- Fish and Wildlife;
- Environmental Assessment; and
- Economic Development.


Note: Discussion of lands on reserves under the *Indian Act* is minimal. This text does not specifically examine lands administered by the territorial commissioners, nor does it discuss privately owned lands, or lands acquired by First Nations outside of the land claim settlement process.

Appendix A lists the legislation and the finalized land claim agreements examined in the preparation of this text. Legislation and land claim agreements are current as of August 31, 1996.

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Yukon Inuvialuit Settlement Region Lands



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Yukon Inuvialuit Settlement Region Lands

Notes and Legend

This chapter covers the Yukon Territory portion of the Inuvialuit Settlement Area, an area commonly known as the Yukon North Slope. This area is bounded:

- on the west by the Alaska border;
- on the south by the Vuntut Gwitchin Settlement Area; and
- on the east by the Northwest Territories portion of the Inuvialuit Settlement Area.

Agreements and legislation are current as of August 31, 1996.

In this Chapter

Immediately below topic headings, the document notes sections in the settlement agreement. Exceptions are noted in the text.

IFA: Inuvialuit Final Agreement

GIC: Governor in Council

NWT: Northwest Territories



3.1 SETTLEMENT AGREEMENT

3.1.1 GENERAL NOTES

3.1.1.1 FINALIZED AGREEMENT

The finalized land claim settlement agreement in this area is the Inuvialuit Final Agreement (IFA). The federal statute authorizing this land claim settlement is the *Western Arctic (Inuvialuit) Claims Settlement Act*, Bill C-49, 1983-84. A summary of its provisions follows:

- “Agreement” means the agreement between the Committee for Original Peoples’ Entitlement (representing the Inuvialuit of the Inuvialuit Settlement Region), and Canada dated June 5, 1984. It includes the amending agreement.
- “Amending agreement” means amending agreements made between the Inuvialuit Regional Corporation, representing the Inuvialuit and Canada, and includes any other amending agreement made pursuant to the Agreement.

- “Territory” means the Northwest Territories, Yukon Territory and adjacent offshore areas, not forming part of the Northwest Territories or Yukon Territory, within the jurisdiction of Canada.
- Nothing in this Act prejudices the rights of the Inuvialuit:
 - as Canadian citizens;
 - arising from their status as Aboriginal people; or
 - arising from other legislation applicable to them.
- The Governor in Council may make regulations necessary to carry out the Agreement.
- If there is a conflict or inconsistency between this Act or the Agreement and any other law applying to the Territory, this Act or the Agreement prevails.
- This Act does not grant any rights outside Canada.
- The Northern Yukon National Park is added to the National Parks Act.

3.1.1.2 GENERAL PROVISIONS

(Inuvialuit Final Agreement: Section 3)

The IFA is a land claims agreement under subsection 35(3) of the *Constitution Act*. Subject to the settlement legislation, the Inuvialuit release Aboriginal claims to land in the Northwest Territories, the Yukon Territory and offshore.

The IFA can be amended by consent of the Governor in Council and the Inuvialuit, as represented by the Inuvialuit Regional Corporation.

3.1.2 DEFINITIONS

(Inuvialuit Final Agreement: Section 2)

The following definitions are used in the IFA.

Developer:

This term means a person, government or other legal entity owning, operating or causing to be operated, a development, wholly or partially in the Inuvialuit Settlement Region. This includes any Inuvialuit developer.

Development:

This means:

- any commercial or industrial undertaking or venture (other than commercial wildlife harvesting). This includes support and transportation facilities relating to the extraction of non-renewable resources from the Beaufort Sea; or
- any government project, undertaking or construction, whether federal, territorial, provincial, municipal, local, Crown agency or corporation, except:
 - projects within community limits not directly affecting wildlife resources outside those limits; and
 - government wildlife enhancement projects.

Government:

This refers to the federal government.

Inuvialuit community:

This means any of the communities of Aklavik, Holman, Inuvik, Paulatuk, Sachs Harbour or Tuktoyaktuk.

Inuvialuit lands:

This means lands to be provided to the Inuvialuit under the Agreement.

Inuvialuit Settlement Region:

This region covers that portion of the Northwest Territories, Yukon Territory and adjacent offshore areas described in the IFA.

Western Arctic Region:

This means that portion of the Inuvialuit Settlement Region other than the Yukon Territory.

Wildlife:

Wildlife does not include reindeer.

3.1.3 ADMINISTRATIVE BODIES

3.1.3.1 LAND USE PLANNING GROUP

(Inuvialuit Final Agreement: Section 7)

There will be an area-specific group dealing only with land use planning for the Inuvialuit Settlement Region. This group will be a part of any territorial Land Use Planning Commission. The IFA places conditions on membership to the group.

3.1.3.2 WILDLIFE MANAGEMENT ADVISORY COUNCIL (NORTH SLOPE)

(Inuvialuit Final Agreement: Section 12)

The Wildlife Management Advisory Council (North Slope) was established after the signing of the IFA. The Council:

- advises appropriate Ministers on wildlife policy and management;
- advises on issues relating to the Yukon North Slope to Porcupine Caribou Management Board, the Yukon Land Use Planning Commission, the Review Board and other appropriate groups;
- prepares and recommends wildlife conservation and management plans for the Yukon North Slope to appropriate authorities;
- determines and recommends appropriate Inuvialuit game harvesting quotas in the Yukon North Slope;
- advises on habitat protection measures taken under certain parts of the IFA; and
- advises the appropriate Minister on national park planning and management in the Yukon North Slope, and recommends a management plan for the national park.

3.1.3.3 WILDLIFE MANAGEMENT ADVISORY COUNCIL (NWT)

(Inuvialuit Final Agreement: Section 14)

The Wildlife Management Advisory Council (NWT) was established after the IFA was signed. Although Council's jurisdiction is limited to the Northwest Territories portion of the Inuvialuit Settlement Region, some of its powers may have some effect in the Yukon portion of the Region.

The Council's duties include:

- determining and recommending non-Inuvialuit Aboriginal peoples' harvesting quotas for caribou and other migratory animals in the IFA, inside or outside of the Western Arctic Region; and
- advising government on wildlife legislation.

3.1.3.4 FISHERIES JOINT MANAGEMENT COMMITTEE

(Inuvialuit Final Agreement: Section 14)

Under the IFA, the federal Minister of Fisheries and Oceans agreed to establish the Fisheries Joint Management Committee to advise on matters relating to Inuvialuit and Inuvialuit Settlement Region fisheries. The Council's duties include:

- undertaking certain roles in relation to fishing on Crown lands; and
- allocating subsistence quotas among communities.

3.1.3.5 INUVIALUIT GAME COUNCIL

(Inuvialuit Final Agreement: Section 14)

The Inuvialuit Game Council represents the final Inuvialuit authority in wildlife under the IFA. Council's duties include:

- appointing Inuvialuit members to all joint government/Inuvialuit bodies, as well as other bodies having an interest in wildlife, including those under the IFA;
- advising government on wildlife issues either on its own or through the Wildlife Management Advisory Councils (NWT and North Slope);
- assigning community hunting and trapping areas within the Inuvialuit Settlement Region where appropriate; and
- allocating Inuvialuit quotas among communities, where appropriate.

3.1.3.6 INUVIALUIT HUNTERS AND TRAPPERS COMMITTEES

(Inuvialuit Final Agreement: Section 14)

Each Inuvialuit Community Corporation establishes a community Hunters and Trappers Committee. The Committee's duties include:

- advising the Inuvialuit Game Council on local wildlife matters;

- making bylaws (enforceable under the NWT Wildlife Ordinance and subject to laws of general application), governing the exercise of certain Inuvialuit preferential harvest rights under the IFA; and
- sub-allocating quotas.

Although there are no Inuvialuit communities in the Yukon portion of the Settlement Region, committee powers are not expressly limited to the Northwest Territories portion of the Region.

3.1.3.7 RESEARCH ADVISORY COUNCIL

(Inuvialuit Final Agreement: Section 14)

The Research Advisory Council is a research and advisory group established under the IFA. Membership is open to all persons conducting research in the Inuvialuit Settlement Region.

3.1.3.8 ENVIRONMENTAL IMPACT SCREENING COMMITTEE

(Inuvialuit Final Agreement: Section 11)

The IFA established an Environmental Impact Screening Committee with seven members. Three are nominated each by Canada and the Inuvialuit. The Committee's Chair is appointed by Canada with consent of the Inuvialuit. The IFA sets out the Committee's powers and rules.

The IFA contains a power to add one member nominated by an adjacent lands claims group. The member may join the committee if that group considers a development is capable of negative environmental impact to the detriment of Aboriginal persons using or occupying the Inuvialuit Settlement Region.

The following developments are subject to environmental impact screening:

- developments of consequence to the Inuvialuit Settlement Region likely to have a negative environmental impact;
- certain developments in the Yukon North Slope region;
- developments in Inuvialuit Settlement Regions where Inuvialuit request environmental screening; and

- developments where traditional harvest of Dene/Métis may be adversely affected, on request of Dene/Métis or Inuvialuit. This is subject to agreement between Dene/Métis and Inuvialuit.

Until the environmental impact screening and review provisions of the IFA are followed, no licence or approval will be issued permitting any proposed development.

Nothing in the IFA's environmental impact section restricts the power or obligation of Canada to carry out an environmental impact assessment and review under federal laws and policies.

3.1.3.9 ENVIRONMENTAL IMPACT REVIEW BOARD

(Inuvialuit Final Agreement: Section 11)

The IFA established an Environmental Impact Review Board. Its composition is identical to the Screening Committee's, except the territory nominee comes from the territory in which the development is to take place.

No licence or approval shall be issued permitting any proposed development until the environmental impact screening and review provisions of the IFA are followed.

Nothing in the IFA's environmental impact section restricts the power or obligation of Canada to carry out environmental impact assessment and review under federal laws and policies.

3.1.3.10 ARBITRATION BOARD

(Inuvialuit Final Agreement: Section 18)

The IFA identifies the composition, powers and procedures of the Arbitration Board. The Arbitration Board has the authority to resolve:

- disputes relating to land matters in:
 - certain municipal needs,
 - certain road requirements,
 - DeSalis Bay land selection,
 - Pingo Landmark,
 - Nelson Head Landmark;
- certain conflicting subsurface resource claims;

- certain sand and gravel disputes;
- compensation for certain land taken for meteorological stations;
- expropriation of Inuvialuit lands;
- terms and conditions of Participation Agreements; and
- certain wildlife compensation awards, recommendations and decisions.

3.1.3.11 YUKON NORTH SLOPE ANNUAL CONFERENCE

(Inuvialuit Final Agreement: Section 12)

The IFA discusses the Yukon North Slope Annual Conference.

3.1.4 OTHER ABORIGINAL PEOPLES

3.1.4.1 INUVIALUIT SETTLEMENT AGREEMENT

(Inuvialuit Final Agreement: Section 3)

The Inuvialuit land claim settlement does not affect the Aboriginal rights of other Aboriginal peoples, based on traditional use and occupancy of lands and negotiation of their land claims settlements. Any rights extended in the Inuvialuit Settlement Region to other Aboriginal peoples, based on traditional use and occupancy, do not affect the rights of the Inuvialuit under the IFA.

Inuvialuit may enter into agreements with organizations representing neighbouring Aboriginal groups to resolve mutual or overlapping interests, or to share rights, privileges and benefits.

The Inuvialuit and the Council of Yukon Indians may enter into bilateral agreements to share the rights, privileges and benefits of Inuvialuit in the Yukon North Slope. (Inuvialuit Final Agreement: Section 12)

Inuvialuit and Native groups in adjacent land claim areas may enter into harvesting and wildlife management agreements. (Inuvialuit Final Agreement: Section 14)

Through settlements, Canada may provide other Native peoples with harvesting rights to certain wildlife species in the Inuvialuit Settlement Region. This is limited to species and areas traditionally used. Exercise of such rights in the Inuvialuit Settlement Region must follow the same conditions that apply to Inuvialuit. Exercise of such rights must also be subject to reciprocal harvesting rights for Inuvialuit traditional species and areas in other regions. Non-Inuvialuit Native peoples may continue to harvest traditional wildlife species in traditional areas of Inuvialuit Settlement Region on the same basis as the Inuvialuit, if the same privilege is extended to the Inuvialuit outside the Inuvialuit Settlement Region. (Inuvialuit Final Agreement: Section 14)

Dene/Métis Membership

(Inuvialuit Final Agreement: Section 14)

Dene/Métis traditional harvesters have the right to appoint an additional member to certain regional Councils, Committees or Boards under the IFA. The member's voting rights are limited to matters concerning traditional Dene/Métis harvest in Inuvialuit Settlement Region. This right is conditional on the Inuvialuit receiving reciprocal rights from Dene/Métis. Canada can appoint an additional member to obtain equivalent representation.

Other Representation on Environmental Impact Screening Committee

(Inuvialuit Final Agreement: Section 11)

The IFA contains a power to add one member nominated by an adjacent lands claims group. The member may join the Committee if that group considers a development is capable of negative environmental impact to the detriment of Native persons using or occupying the Inuvialuit Settlement Region.

3.1.4.2 YUKON TRANSBOUNDARY AGREEMENT

Under Chapter 12 of the Yukon Transboundary Agreement, the Tetlit Gwich'in have the right to hunt and fish for traditional purposes on the Yukon North Slope lands. This right applies to areas traditionally used, and for species traditionally harvested by the Gwich'in.

3.1.4.3 SAHTU DENE AND MÉTIS SETTLEMENT AGREEMENT

Participants in the Sahtu Dene and Métis Settlement Agreement, and the Inuvialuit, can share wildlife resources and enter into harvesting and wildlife management agreements under 14(15) of the Inuvialuit IFA. (See chapter 28 of the Agreement.)

3.2 JURISDICTIONAL CATEGORIES

“Federal lands” is the only jurisdictional category of land in the Inuvialuit Settlement Region in the Yukon Territory. The federal government has jurisdiction over the land subject to the Settlement Agreement. Inuvialuit lands under the Settlement Agreement are only located in the Northwest Territories portion of the Western Arctic Claim.

Note: Reserves under the Indian Act and Commissioner’s lands are not discussed.

3.3 FEDERAL LANDS

The jurisdictional regime is the same as under Chapter 4 (“Other Yukon Territory Federal Lands”) except as follows.

3.3.1 LAND OWNERSHIP

The Inuvialuit Settlement Region in the Yukon Territory is known as the Yukon North Slope. The Yukon North Slope is the area of lands in the Yukon Territory found between Alaska and the NWT lying north of the division point of the Porcupine River and Beaufort Sea watersheds. This area includes adjacent waters and islands. (Inuvialuit Final Agreement: Section 12)

The Crown retains ownership of waters in the settlement region. (Inuvialuit Final Agreement: Section 7)

3.3.2 LAND USE

3.3.2.1 ADMINISTRATIVE BODIES

The Arbitration Board has authority to resolve certain land use questions. Please see 3.1.3.10 for further information.

3.3.2.2 GENERAL

(Inuvialuit Final Agreement: Section 12)

A special conservation regime applies to the Yukon North Slope under the IFA. The main purpose of the regime is to conserve wildlife, habitat and traditional Aboriginal use.

In general:

- all development proposals relating to the Yukon North Slope must be screened. This screening process will determine if they could have a significant negative impact on wildlife, habitat or the ability of Aboriginal people to harvest wildlife;
- other uses within the Yukon North Slope will be considered and may be permitted if there is no significant impact on wildlife, habitat, or Aboriginal harvesting;

- if public convenience and necessity outweigh conservation or Aboriginal harvesting interests in the area, other uses within the Yukon North Slope that may have significant impact on wildlife, habitat, or Aboriginal harvesting will be permitted; and
- development proposals relating to the Yukon North Slope that may have a significant negative impact are subject to the environmental impact assessment and review process.

The IFA sets out any exceptions.

The withdrawal under the *Territorial Lands Act* of certain lands within the Yukon North Slope from disposal is generally to be maintained. Exceptions are set out in the IFA.

The Yukon North Slope has land use regimes for:

- Northern Yukon National Park;
- Herschel Island Territorial Park; and
- remaining Yukon North Slope lands.

3.3.2.3 NORTHERN YUKON NATIONAL PARK

(Inuvialuit Final Agreement: Section 12)

In the IFA, Canada agreed to establish a national park comprising the western portion of the Yukon North Slope. The park is to be zoned and managed as a wilderness-oriented park. Development activities inconsistent with the park's purposes are prohibited. Any change in the character of the park requires Inuvialuit consent. In addition, no park lands can be removed from national park status without consent of the Inuvialuit. The IFA allows for limited scale and temporary use of small parcels at Stokes Point within the park boundaries for supporting hydrocarbon development under certain conditions.

3.3.2.4 HERSCHEL ISLAND TERRITORIAL PARK

(Inuvialuit Final Agreement: Section 12)

The Yukon Territory government agreed in the IFA to establish Herschel Island Territorial Park, and to consult the Inuvialuit in the process. Conditions govern activities allowed in the park.

3.3.2.5 OTHER YUKON NORTH SLOPE LANDS

(Inuvialuit Final Agreement: Section 12)

An area in the Yukon North Slope where controlled development may take place (subject to the IFA and to laws of general application), lies east of the Babbage River extending to the NWT border, but not including adjacent nearshore and offshore waters. Any development activity proposed for this area is subject to the IFA screening and review process. Development activity proposed for adjacent nearshore and offshore waters is subject to normal government process and wildlife compensation provisions of the IFA.

When considering any development proposal, the appropriate review board shall take into account certain criteria listed in the IFA.

The IFA provides for the financial liability of non-government developers (including Crown corporations) for developments in the Inuvialuit Settlement Region. Compensation is payable for actual wildlife loss arising from development. The IFA sets out claims, mediation and arbitration procedures. Arbitration Board can settle compensation disputes.

3.3.3 GENERAL ACCESS RIGHTS

No special provisions in the IFA relate to federal land access in the Yukon portion of the Inuvialuit Settlement Region.

3.3.4 NON-RENEWABLE RESOURCES

Special provisions in the IFA relate to non-renewable resources on federal land in the Yukon portion of the Inuvialuit Settlement Region.

3.3.5 FORESTRY AND PLANTS

Special provisions in the IFA relate to forestry resources on federal land in the Inuvialuit Settlement Region.

3.3.6 WATER USE AND WASTE DEPOSIT

Special provisions in the IFA relate to water use on federal land in the Inuvialuit Settlement Region.

3.3.7 FISH AND WILDLIFE

3.3.7.1 ADMINISTRATIVE BODIES

The following administrative bodies have roles in fish and wildlife management, and research under the IFA:

- the Wildlife Management Advisory Council (North Slope);
- the Wildlife Management Advisory Council (NWT);
- the Fisheries Joint Management Committee;
- the Inuvialuit Game Council;
- the Inuvialuit Hunters and Trappers Committees;
- the Research Advisory Council; and
- the Yukon North Slope Annual Conference.

Please see 3.1.3 for further details.

3.3.7.2 GENERAL

The Yukon Territory continues to exercise the same jurisdiction over game management, subject to the IFA. The territorial government may continue to pass game management legislation consistent with the IFA and the settlement legislation. (Inuvialuit Final Agreement: Section 3)

Subject to laws of general application respecting public safety and conservation, the Inuvialuit right to harvest on the Yukon North Slope includes:

- the preferential right to harvest all species of wildlife (except migratory non-game birds and migratory insectivorous birds), for subsistence use throughout the Yukon North Slope. This is subject to collective harvesting rights in favour of all Aboriginal people under the Porcupine Caribou Management Agreement;
- the exclusive right to harvest furbearers and polar bears; and

- the exclusive right to harvest game within the national park, territorial park and adjacent islands. (Inuvialuit Final Agreement: Section 12)

The Inuvialuit also have first priority for the harvest of marine mammals within the Inuvialuit Settlement Region. As well, they have preferential rights within the Inuvialuit Settlement Region to harvest fish for subsistence use. (Inuvialuit Final Agreement: Section 14)

Sport fishing is permitted throughout the Yukon North Slope, including in national and territorial parks. (Inuvialuit Final Agreement: Section 12)

The Inuvialuit do not need permits or other authorization to harvest wildlife, but if permits, etc. are required or recommended, the Inuvialuit can receive them free. (Inuvialuit Final Agreement: Section 12)

When setting quotas and conservation limits, subsistence harvesting rights extended to other Aboriginal peoples under the IFA shall be taken into account. The IFA contains principles to be used when determining harvestable quotas. (Inuvialuit Final Agreement: Section 12)

The IFA places conditions on the Inuvialuit's ability to permit non-Inuvialuits to harvest game, polar bears and furbearers in Yukon North Slope. (Inuvialuit Final Agreement: Section 12)

Some rights of existing harvesting licence holders are preserved in the IFA. (Inuvialuit Final Agreement: Section 14)

The IFA sets out the rights to trade game products and to trade fish and marine mammal products. (Inuvialuit Final Agreement: Sections 12 and 14)

The right to harvest game includes the right to travel and establish camps as necessary to exercise that right. In the national park and the territorial park, the Inuvialuit have the right to use existing hunting, fishing and trapping facilities associated with their game harvesting activities. The Inuvialuit may also establish new facilities in these parks after consulting with the management authority. The location of these new facilities will be based on the park's management objectives. (Inuvialuit Final Agreement: Section 12)

Nothing in the IFA or the settlement legislation prevents people from taking game in an emergency. (Inuvialuit Final Agreement: Section 12)

3.3.8 ENVIRONMENTAL ASSESSMENT

3.3.8.1 ADMINISTRATIVE BODIES

The Environmental Impact Screening Committee and the Environmental Impact Review Board play certain environmental assessment roles in the Inuvialuit Settlement Region. Please refer to 3.1.3 for further details.

3.3.8.2 GENERAL

(Inuvialuit Final Agreement: Section 11)

No licence or approval shall be issued permitting any proposed development until the IFA's environmental assessment provisions are followed. These provisions do not restrict the power or obligation of Canada to carry out environmental impact assessments and reviews under federal laws and policies.

3.3.9 ECONOMIC DEVELOPMENT

The majority of persons employed in park operation and management should be Inuvialuit. To the extent that management regimes for the parks provide for economic activities, Inuvialuit should be given opportunities on a preferred basis. (Inuvialuit Final Agreement: Section 12)

The Inuvialuit will be invited to participate in the planning process for lands available for development adjacent to Pauline Cove on Herschel Island, and in economic opportunities resulting from the development. (Inuvialuit Final Agreement: Section 12)

The Inuvialuit have a first right of refusal on wildlife guiding activities in the Yukon North Slope, subject to all applicable laws. (Inuvialuit Final Agreement: Section 12)

The IFA gives the Inuvialuit a first right on publicly-tendered government contracts relating to activities in Inuvialuit Settlement Region and the Inuvialuit communities. (Inuvialuit Final Agreement: Section 16)

The Inuvialuit have a right to be awarded publicly tendered government contracts to develop resources on Crown lands if they submit the best proposal. (Inuvialuit Final Agreement: Section 16)

Each application for exploration, development or production rights on Crown lands within the Inuvialuit Settlement Region shall apply general government guidelines relating to social and economic interests to favour Aboriginals. (Inuvialuit Final Agreement: Section 16)

The Inuvialuit Development Corporation may hold up to 10 prospecting permits and 25 mining claims at any time. These are subject to special conditions. (Inuvialuit Final Agreement: Section 16)

Under the Territorial Coal Regulations, Canada shall issue to the Inuvialuit, local use coal permits (free of charges) to explore, develop, and mine coal in the Inuvialuit Settlement Region for community use and regional industrial use by the Inuvialuit Development Corporation. (Inuvialuit Final Agreement: Section 16)

